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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100**

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DILWORTH PAXSON LLP
3200 MELLON BANK CENTER
1735 MARKET STREET
PHILADELPHIA, PA 19103

In re Application of : H. G. Otero et al.
Application No. 09/773,139
Filed: January 31, 2001
For: APPARATUS, METHODS AND
ARTICLES OF MANUFACTURE FOR
CONSTRUCTING AND EXECUTING
COMPUTERIZED TRANSACTION
PROCESSES AND PROGRAMS

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the petition filed January 31, 2001. While the petition is labeled "under MPEP §708.02 III", due to its content, the petition is being treated as under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);
- (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status...;
- (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
- (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient in that it does not comply with (B) and (E) above. With respect to (B), while petitioner states that applicants will make an election without traverse if the Office determines that all the claims are not directed to a single invention, the petition does not state that all the claims presented are directed to a single invention. With respect to (E), while applicant discusses the content of the references and argues that they do not disclose certain features, this discussion does not clearly show how the *claimed* subject matter is patentable over the references. The argued features do not cover all independent claims. For example, the argued feature used in the discussion of the references of implementing and customizing trading strategies or executing one or more trading strategies does not appear in claim 1. Claim 1 calls for two plug-ins for implementing a trading strategy, but the first plug-in is the only plug-in positively recited as implemented in the engine to execute a trade and is not described as being customized.

Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



Robert A. Weinhardt
Special Program Examiner
Technology Center 2100
Computer Architecture, Software,
& Electronic Commerce
703-305-9780